

**REMARKS**

Claims 1-6, 8-11, 13-16 and 22-34 are allowed. Applicants gratefully acknowledge the Examiner's indication of allowable subject matter.

The Examiner rejected claims 7 and 12 under 35 U.S.C. §103(a) as allegedly being unpatentable over Fitch et al. and in view of Ozkan et al. (6,437,376).

Applicants respectfully traverse the §103 rejections with the following arguments.

**35 U.S.C. §103**

The Examiner rejected claims 7 and 12 under 35 U.S.C. §103(a) as allegedly being unpatentable over Fitch et al. and in view of Ozkan et al. (6,437,376).

Applicants respectfully contend that claims 7 and 12 are not unpatentable over Fitch and in view of Ozkan, because Fitch and in view of Ozkan does not teach or suggest each and every feature of claim 7. For example, Fitch and in view of Ozkan does not teach or suggest the feature: "wherein the dopant source layer does not exist above the high pressure oxide layer."

Applicants note that the preceding feature of claims 7 and 12 is illustrated in FIGS 11 and 12 of the present patent application, wherein the dopant source layer 236 does not exist above the high pressure oxide layer 227. In fact, Fig. 13 of the present patent application shows formation of a cap layer 234 above the dopant source layer 236 in a space that surrounds the nitride layer 226 and the oxide layer 225.

In contrast, FIG. 9 of Fitch shows that the dopant source layer 50 has been formed above the alleged high pressure oxide layer 22, and the dopant source layer 50 surrounds both the nitride layer 40 and the oxide layer 42.

Based on the preceding arguments, Applicants respectfully maintain that claims 7 and 12 are not unpatentable over Fitch and in view of Ozkan, and that claims 7 and 12 are in condition for allowance.

**CONCLUSION**

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and credit Deposit Account No. 09-0456 (IBM).

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